

CHAPTER 30 ADJUDICATION AND ENFORCEMENT

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3000 NOTICE OF INFRACTION

- 3000.1 The Notice of Infraction, also referred to as a ticket, shall be in the form prescribed by the Director and shall contain the type of registration; the registration plate number; the jurisdiction of registration; a description of the vehicle; a general statement of the violation alleged; the date, time, and place of the occurrence; and if a meter violation, the meter number.
- 3000.2 Only tickets conforming to the specifications set forth in this chapter shall be used to issue Notices of Infraction to offenders.
- 3000.3 The Notice of Infraction shall inform the respondent how and when to answer the notice and shall warn the respondent of the consequences of failure to answer in the manner and time provided.
- 3000.4 When the Notice of Infraction is served in person it will identify the respondent by name.
- 3000.5 A serial number shall be printed on the ticket in a series and form approved by the Director.
- 3000.6 Except as provided in § 3000.7, the signature of an issuing officer on a Notice of Infraction shall be evidence of the validity of the issuance and the truth of the facts stated on the Notice.

- 3000.7 When a Notice of Infraction for a parking violation is issued from a hand-held electronic device, no signature of an issuing officer shall be required as evidence of the validity of the issuance and the truth of the facts stated on the Notice provided that, the officer's printed name, department and badge number appear legibly on the face of the Notice to be affixed to the vehicle or presented to the vehicle operator or owner.
- 3000.8 When the officer's printed name, department and badge number do not appear legibly in the appropriate spaces on the face of the Notice of Infraction for a parking violation issued from a hand-held electronic device, the Notice shall be invalid and may not be issued by the officer.
- 3000.9 Uploading of the data contained in hand-held electronic devices into the automatic ticket database shall be deemed the filing of a facsimile with the Department in accordance with the provisions of § 303 of the Traffic Adjudication Act, D.C. Code § 40-623 (1998 Repl.).

3001 (REPEALED)

3002 ISSUANCE OF PARKING VIOLATIONS ONLY

- 3002.1 The following are empowered to issue Notices of Infraction for parking violations within their respective jurisdictions:
- (a) District of Columbia Protective Services;
 - (b) District of Columbia Department of Human Services at D.C. General Hospital;
 - (c) District of Columbia Department of Public Works;
 - (d) Saint Elizabeth's Hospital Security Force;
 - (e) United States Bureau of Engraving and Printing;
 - (f) United States Government Printing Office;
 - (g) United States Park Police Visitor Aides;
 - (h) University of the District of Columbia Security Police;
 - (i) Fort Lesley J. McNair;
 - (j) District of Columbia Public Library;
 - (k) United States Department of Commerce Special Agents;
 - (l) United States Defense Intelligence Agency;

(m) United States Central Intelligence Agency Security Protective Service;

(n) Superior Court of the District of Columbia Security Police;

(o) United States Supreme Court Police;

(p) District of Columbia Housing Authority Special Police Officers: and

(q) United States Department of State Uniformed Protection Officers.

3002.2 REPEALED

3002.3 When information is entered on the ticket manually, the original ticket, signed by the issuing officer, constitutes a complaint.

3002.4 A copy of the signed ticket shall be issued to the respondent in the manner provided for in § 3004.

3002.5 The respondent may use the copy as a form for answering the Notice in accordance with § 3007 of this chapter.

3002.6 When a hand-held electronic device is used, the one-page printout Notice will be used as a complaint for parking violations only.

3002.7 The one-page printout Notice will be issued to the respondent, as provided in § 3004.

3002.8 The respondent may use the reverse side of the one-page printout Notice as a form for answering the Notice in accordance with § 3007 of this chapter.

3002.9 Except for tickets issued through the use of a hand-held electronic device, the original ticket shall be submitted to the Department of Motor Vehicles within fifteen (15) calendar days of issuance.

3002.10 The ticket information for tickets issued through the use of a hand-held electronic device shall be submitted within one (1) business day.

3003 ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS

3003.1 The following are empowered to issue Notices of Infraction for all moving and parking infractions within their respective jurisdictions:

(a) District of Columbia Metropolitan Police;

(b) Metro Transit Police;

- (c) National Zoological Park Police;
- (d) United States Capitol Police;
- (e) United States Park Police;
- (f) United States Secret Service, Uniformed Division;
- (g) Walter Reed Army Medical Center;
- (h) Bolling Air Force Base Security Police;
- (i) nited States Federal Protective Service;
- (j) Commandant, Naval District Washington;
- (k) District of Columbia Housing Authority Police Force;
- (l) Library of Congress; and
- (m) United States Mint Police.

3003.2 REPEALED

3003.3 Except for tickets issued for violations detected by an automated traffic enforcement device, the original ticket, signed by the issuing officer, constitutes a complaint for moving violations and shall be delivered to the Department of Motor Vehicles within fifteen (15) days of issuance.

3003.4 A copy of the signed ticket shall be issued to the respondent in the manner provided for in § 3004.

3003.5 Within fifteen (15) days of the date a violation was detected by an automated traffic enforcement device, any resulting ticket shall be mailed to the owner and the relevant information transmitted to the Department of Motor Vehicles.

3003.6 REPEALED

3003.7 REPEALED

3004 SERVICE OF THE NOTICE OF INFRACTION

3004.1 Service of the appropriate copy of the Notice of Infraction as provided for in § 3003 may be made in person to the operator of a vehicle.

3004.2 Personal service shall always be used for moving violations, except as otherwise provided in this section, and for parking violations when the operator is present.

- 3004.3 In cases of parking violations where the owner or operator is not present, the appropriate copy of the notice shall be served by affixing it to the vehicle in a conspicuous and secure manner.
- 3004.4 Service of notice by affixation to the vehicle shall have the same force and effect as personal service.
- 3004.5 The operator of a vehicle who is not the owner, but who uses or operates the vehicle with the permission of the owner, either express or implied, shall be deemed to be the agent of the owner to receive service of the notice in cases of parking violations.
- 3004.6 The Bureau shall provide, upon request of the respondent, his or her attorney, or authorized agent, photocopies of tickets or, if issued from a hand-held electronic device, printouts of data contained on tickets issued to that respondent.
- 3004.7 The Director shall prescribe procedures for application for photocopies or, if issued from a hand-held electronic device, printouts of data contained on tickets. The fee shall be one dollar (\$ 1) per copy. The Director or his or her designee may waive or reduce the fee for good cause.
- 3004.8 When a notice of infraction is issued for a violation of Section 4 of the International Registration Plan Agreement Act of 1996, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code 50-1507.03), the operator of the vehicle shall be deemed the agent of the owner or apportioned operator for the purposes of receiving service of the notice.

3005 RETURN ON NOTICE OF SERVICE

- 3005.1 REPEALED
- 3005.2 REPEALED
- 3005.3 With respect to notices returnable before the Superior Court of the District of Columbia, the method of delivery to the court will be in accordance with directions given to agencies by the Chief Judge or his or her authorized agent.
- 3005.4 If a ticket is damaged or voided, the issuing officer to whom it was assigned shall return it to the agency which assigned it to him with a report explaining the circumstances.
- 3005.5 REPEALED.
- 3005.6 An officer using a hand-held electronic device to issue Notices of Infraction for parking violations shall, at the end of his or her shift or duty, deliver the hand-held electronic device to the place designated by the Department of Public Works for the download from a hand-held electronic device of all Notices issued by the officer during his or her shift.
- 3005.7 An officer using a hand-held electronic device to issue Notices for parking violations shall notify the official designated by the Department of Public Works

of a lost device or any tickets that were keyed and printed, but not issued to the alleged violator and explain the circumstances.

- 3005.8 A hand-held electronic device shall not be re-distributed to another officer until after the completion of the download of all Notices issued by the officer who last used the hand-held electronic device.

3006 ANSWERS TO NOTICES OF INFRACTION

- 3006.1 A respondent shall answer a notice of infraction in accordance with the provisions of the Traffic Adjudication Act.
- 3006.2 Answers of “Admit” shall be accompanied by a check or money order for the payment in full of the scheduled fines and penalties as listed in chapter 26 of this title, and mailed to the Bureau of Traffic Adjudication, P.O. Box 2014, Washington, D.C., 20013.
- 3006.3 Answers of “Deny” or “Admit with Explanation” may be made by mailing the Notice of Infraction with the answer form completed to the Bureau of Traffic Adjudication, 601 Indiana Ave., NW, Wash., D.C. 20001.
- 3006.4 Answer by mail entered by the respondent shall be made in the following manner:
- (a) Entering the desired answer form on the back of the ticket;
 - (b) Entering the respondent’s name and address in the space provided on the answer form; and
 - (c) Signing and dating the answer form.
- 3006.5 For any notice of infraction issued between July 9, 2005 and August 23, 2005 pursuant to the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2301 *et seq.*) (“the act”), a respondent must answer within sixty (60) days after the date the notice was issued or a penalty equal to the amount of the civil fine shall be added.
- 3006.6 For any notice of infraction issued between June 9, 2005 and August 23, 2005 pursuant to the act, a respondent must answer within ninety (90) days after the date the notice was issued or they shall be deemed to have admitted the infraction and all applicable penalties, fines and points shall be assessed.

3007 PAYMENT OF CIVIL FINES

- 3007.1 All payments may be made in cash or by check or money order at the Bureau or by check or money order through the mail.
- 3007.2 Checks and money orders shall be made payable to the order of the “D.C. Treasurer.”

- 3007.3 Hearing Examiners may permit monetary fines and penalties in excess of fifty dollars (\$ 50) to be paid in installments, in accordance with the provisions of the Traffic Adjudication Act.
- 3007.4 The Director may approve the use of credit cards for the payment of fines, penalties, and fees.
- 3007.5 Any District resident seeking a Department service listed in § 3007.6 who owes the Department at least \$ 250 in outstanding unpaid fines and penalties resulting from notices of infractions that are at least sixty (60) days old, or from fines assessed for failure to maintain motor vehicle insurance, may participate in a deferred payment plan; provided, the person pays at least 25% of the total amount of the outstanding debt at the time of service and pays the remaining balance not more than six (6) months after the date of the initial payment.
- 3007.6 The deferred payment plan in § 3007.5 is available in conjunction with the following services:
- (a) Driver license issuance;
 - (b) Driver license renewal;
 - (c) Motor vehicle registration;
 - (d) Removal of a boot from a motor vehicle; or
 - (e) Release of a towed motor vehicle.
- 3007.7 Plan participants seeking the removal of a boot from a vehicle or release of a vehicle must pay, in addition to the outstanding debt in § 3007.5 all applicable boot, tow and storage fees prior to receiving service.
- 3007.8 Plan participants seeking a driver's license or vehicle registration shall be entitled to a temporary license or registration, as applicable, valid for six (6) months. If the remainder of the outstanding debt is paid prior to the expiration of the six (6) month temporary registration or license, the Director may issue the applicant a full-term license or registration sticker.
- 3007.9 If a participant is deemed to have admitted a moving or parking violation pursuant to D.C. Official Code §§ 50-2302.05 (e) or 50-2303.05 (d) (2) during their participation in the plan, any temporary license or registration issued shall be revoked, or the vehicle shall become immediately eligible for booting or towing, as applicable.
- 3007.10 All payments made pursuant to this section must be in cash, money order, cashier's check, or credit card.
- 3007.11 In the event that the Department offers an amnesty program under which monetary penalties are waived if outstanding fines are satisfied, persons may use the deferred payment plan described in § 3007.5 as a means of satisfying their outstanding fines; provided, that all penalties waived through the amnesty shall be reinstated in the event that the outstanding fines are not fully paid by the expiration of the six (6) month period.

3007.12 Persons are only eligible to participate in a deferred payment plan one (1) time.

3007.13 (REPEALED)

3007.14 (REPEALED)

3007.15 (REPEALED)

3007.16 (REPEALED)

3008 REQUESTS FOR HEARINGS

3008.1 If a person denies liability for a moving violation by mail, that denial shall constitute a request for a hearing scheduled for the date and time shown on the face of the ticket.

3008.2 If a person denies liability or admits liability with an explanation, in person at the Bureau, an immediate hearing may be had, if convenient to the Bureau.

3008.3 When a respondent wants the issuing officer to be present at the hearing, the following must be done:

- (a) In cases of parking violations, the deny box on the ticket must be checked, and the respondent must appear in person at the Bureau to schedule a hearing date.
- (b) In cases of moving violations, the deny box on the ticket must be checked before mailing it to the Bureau, or the respondent may appear in person at the Bureau to schedule a hearing date.

3009 SCHEDULING OF HEARINGS

3009.1 The Bureau may set a date, time, and place of hearing different from that shown on the face of the ticket so long as the respondent is given timely notification by regular mail.

3009.2 The Bureau may set a date, time, and place of hearing when the alleged violator fails to answer.

3009.3 Hearings will be held daily from 8:30 a.m. to 4:00 p.m., except Saturdays, Sundays, and holidays observed by the District government, and except during those hours established by the Chief of the Bureau or the Chief Hearing Examiner.

3009.4 The Chief of the Bureau, at his or her discretion, may set additional or alternative times and days for hearings to meet the needs of the Bureau.

3010 REPEALED

3011 HEARING PROCEDURES

- 3011.1 Each hearing will be held before a hearing examiner or the Chief Hearing Examiner. No other person has the authority to adjudicate a traffic infraction or to dismiss a notice that has been returned to the Bureau.
- 3011.2 All hearings will be open to the public.
- 3011.3 Hearings will be held at the Bureau of Traffic Adjudication, 65 K Street, N.E., Washington, D.C.; provided, that the Director, in his or her discretion, may establish other permanent or temporary hearing locations.
- 3011.4 The hearing examiner shall ensure that the hearing is conducted in an orderly manner and shall have the authority to exclude any respondent or other person from the hearing on the grounds of substantial interference or obstruction of the orderly hearing process.
- 3011.5 The Bureau may, with or without the consent of the respondent, consolidate for hearing or appeal any and all matters within its jurisdiction pending against a respondent.
- 3011.6 The Rules of Civil Procedure and the Rules of Criminal Procedure for the Superior Court of the District of Columbia are not binding on the Bureau of Traffic Adjudication.
- 3011.7 Forms of pleadings, motion practice, and discovery procedures set forth in the rules cited in § 3011.6 do not apply to any proceedings conducted by the Bureau unless specifically authorized by this chapter.
- 3011.8 The provisions of chapter 10 of this title, "Procedures for Administrative Hearings and Other Actions," shall apply to all administrative adjudications conducted by the Bureau of Traffic Adjudication, except as provided by this chapter in accordance with the Traffic Adjudication Act.

3012 RULES OF EVIDENCE

- 3012.1 The burden of proof shall be on the District.
- 3012.2 The standards of proof established by the D.C. Traffic Adjudication Act are the following:
 - (a) Clear and convincing evidence in cases of moving violations; and
 - (b) Preponderance of the evidence in cases of parking violations.
- 3012.3 All testimony shall be given under oath or affirmation administered by the hearing examiner.
- 3012.4 The respondent shall have the right to present witnesses, to conduct examination and cross examination, and to introduce documentary evidence.
- 3012.5 The hearing examiner may require production of evidence.

- 3012.6 The Notice of Infraction shall constitute prima facie evidence of the statements contained in the notice and shall be a record in the ordinary course of business.
- 3012.7 The original of the ticket or any reasonable facsimile, including the copy issued to the respondent, may be used at the hearing.
- 3012.8 Irrelevant, immaterial, unduly repetitious, or unduly lengthy evidence may be excluded at the discretion of the hearing examiner.

3013 FINAL DETERMINATIONS

- 3013.1 Upon the making of a determination sustaining the charges and the fixing of fines and assessment of penalties, or a determination dismissing the charges, the hearing examiner shall cause the final determination to be recorded.
- 3013.2 In cases where a respondent's license or privilege to drive is withdrawn, the hearing examiner will include in the determination a statement of findings of fact and conclusions of law.
- 3013.3 Findings of fact must incorporate basic facts upon which conclusions are based. Mere conclusory assertions or summaries of evidence shall not be sufficient for use as a basis for findings of fact within the meaning of this section.

3014 APPEALS

- 3014.1 Appeals shall be from final determinations as described in § 3013. No interlocutory appeals shall be allowed.
- 3014.2 Notice of any action taken pursuant to § 3014.11 shall be sent to the appellant by ordinary mail.
- 3014.3 Each Appeals Board may conduct its review of the record in any manner, but shall not consider any evidence which was not presented to the hearing examiner.
- 3014.4 The Appeals Board shall have the power to reverse, remand, or modify any decision of a hearing examiner.
- 3014.5 At least two (2) votes are required for final action on an appeal.
- 3014.6 A final determination of liability and the amount of the sanctions imposed may be appealed in cases where an answer of "Deny" was entered at the hearing.
- 3014.7 An appeal limited in scope to the sanctions imposed may be had where an answer of "Admit" or "Admit with Explanation" was entered at the hearing.
- 3014.8 The filing of a notice of appeal shall not stay the enforcement of a suspension or revocation of driver's permit or a requirement for attendance at traffic school unless so directed by the hearing examiner or the Appeals Board on written application.

3014.9 Any appeal from a final determination pursuant to § 3013 or a final decision pursuant to § 1006 shall be filed with the Appeals Board within fifteen (15) days of the final determination.

- (a) The fines and penalties assessed by the hearing examiner have been paid by the respondent amount of the judgment appealed from, subject to the full or partial reimbursement of the fines and penalties in the event of reversal or modification.
- (b) The appeal fee, as required by § 3015, has been paid by the respondent; and
- (c) The deposit for the transcript as required by § 3017, has been paid by the respondent.

3014.10 The appeal shall be considered filed when all of the following conditions are satisfied:

- (a) The fines and penalties assessed by the hearing examiner have been paid by the respondent;
- (b) The appeal fee, required by § 3015, has been paid by the respondent;
- (c) The deposit for the transcript, required by § 3017, has been paid by the respondent; and
- (d) A notice of appeal form has been completed and submitted.

3014.11 If the appellant fails to satisfy all of the provisions of § 3014.10 within the fifteen (15) days time period provided by § 3014.9, the appeal shall be dismissed by the Appeals Board or the Chairperson of the Appeals Board without consideration.

3015 APPEAL FEE

3015.1 A fee of ten dollars (\$ 10) must be paid at the time an appeal is filed, unless waived by the Director or his or her authorized agent in cases of extreme hardship. This fee shall be refunded to any appellant who is successful in an appeal.

3015.2 No notice of appeal will be accepted for filing by the Appeals Board unless accompanied by the appeal fee, except in those cases where the fee has been waived.

3016 APPEALS WITHOUT TRANSCRIPTS

3016.1 Except as provided for in this section, an appellant shall obtain a transcript pursuant to § 3017.

- 3016.2 An appellant may file an appeal without a transcript in an appeal of a final determination of a notice of infraction issued for a parking infraction.
- 3016.3 An appellant may file an appeal without a transcript in an appeal where the only issue being appealed is the appropriateness of the fines and penalties assessed.

3017 TRANSCRIPTS OF HEARINGS

- 3017.1 Transcripts of the hearing proceedings may be ordered through the Bureau, on a form prescribed for that purpose.
- 3017.2 Fees for transcripts shall be at a rate set by the Director.
- 3017.3 Transcripts may be ordered upon payment of a deposit of fifty dollars (\$ 50).
- 3017.4 No notice of appeal with transcript will be accepted for filing by the Appeals Board unless accompanied by the deposit.
- 3017.5 When the cost of the transcript has been determined to be less than the amount of the transcript deposit, the sum by which the deposit exceeds the cost of the transcript shall be refunded to the appellant.
- 3017.6 When the cost of the transcript is determined to exceed the amount of the transcript deposit, the appellant shall be notified of the balance due for preparing the transcript. The balance due shall be paid within ten (10) days from the date of the notification.
- 3017.7 If the appellant fails to make any payment when due as required by this section or if any check or other instrument offered to make any payment due is dishonored the appeal shall be dismissed by the Appeals Board without consideration.
- 3017.8 Notice of any action taken pursuant to § 3017.7 shall be sent to the appellant by ordinary mail.

3018 BRIEFS ON APPEAL

- 3018.1 Briefs on appeal shall not be required.
- 3018.2 If the appellant desires to file a brief, it shall be filed in duplicate and in the form required by chapter 10 of this title.
- 3018.3 A brief shall be filed in the same manner and at the same time as the filing of the notice of appeal, unless the time to do so is extended by the Appeals Board for good cause.
- 3018.4 Failure to file briefs within the time allowed shall not be considered an abandonment of the appeal. The appeal may go forward notwithstanding the absence of a brief.

3019 DETERMINATIONS OF APPEALS

- 3019.1 The Appeals Board shall issue a determination in the form of a letter sent by ordinary mail to the appellant.
- 3019.2 At the discretion of the Appeals Board or the Chairperson of the Appeals Board, an order staying a revocation or suspension of a driver's permit may be issued at any time in the interest of justice pending the final determination of the appeal.
- 3019.3 The Chairperson of the Appeals Board may issue a final determination when the appeal is dismissed pursuant to § 3014.11 or § 3017.7.
- 3019.4 The determination of the Appeals Board shall be the final review within the Department.

3020 COMPUTATION OF TIME

- 3020.1 In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included.
- 3020.2 The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday.
- 3020.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.
- 3020.4 The term "legal holiday," as used in this subsection, includes any holiday observed by the government of the District of Columbia.

3021 PROCEEDINGS BY MAIL

- 3021.1 A person charged with a moving violation detected by an automated traffic enforcement system as that term is used in § 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1996 (D.C. Law 11-198; D.C. Code § 40-751 et seq.), or a parking violation may contest the charge through an adjudication by mail.
- 3021.2 Letters, memoranda, affidavits, photographs, or other documentary materials shall be acceptable for the purposes of adjudication by mail.
- 3021.3 The Director or his or her designee may exclude from consideration any material which is not relevant to the adjudication of the alleged infraction.